

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

SERGIO T. JAMES,

Petitioner,

vs.

CIV 17-0360 JCH/ KBM

RAYMOND SMITH, Warden, and
HECTOR H. BALDERAS, Attorney
General for the State of New Mexico,

Respondents.

ORDER ADOPTING MAGISTRATE JUDGE'S
PARTIAL PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION

The Magistrate Judge filed her Partial Proposed Findings and Recommended Disposition on November 13, 2017 (*Doc. 15*). The proposed findings notify Petitioner and Respondents of their ability to file objections within fourteen (14) days and that failure to do so waives appellate review. To-date, neither Petitioner nor Respondents have filed any objections and there is nothing in the record indicating that the proposed findings were not delivered.

Wherefore,

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Magistrate Judge's Partial Proposed Findings and Recommended Disposition (*Doc. 15*) is ADOPTED;
2. Grounds One, Two, and Four of Petitioner's Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 (*Doc. 1*) are dismissed **with prejudice**;

3. A certificate of appealability as to Grounds One, Two, and Four of Petitioner's Application for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 (*Doc. 1*) is DENIED;
4. Respondents shall submit a supplemental brief on Ground Three, specific to Case. No. D-905-CR-2011-0383, within thirty (30) days from the entry of this Order. Petitioner shall be permitted to file a Reply no later than thirty (30) days from the date of filing of Respondent's supplemental brief.


UNITED STATES DISTRICT JUDGE